

Exhibit 5



February 5, 2024

USACE Jacksonville

RE: Project Labor Agreement (PLA) Questionnaire - Comprehensive Everglades Restoration Plan, Indian River Lagoon South, C-23/C-24 North Reservoir, S-426, Contract 4A, St. Lucie County, Florida.

Dear Mr. Manson,

RQ Construction, LLC (RQ) respectfully submits our response to this PLA Request to the Government to determine the market capabilities of potential contractors to complete this important Comprehensive Everglades Restoration Plan in St. Lucie County, FL. We have provided our response on the following pages.

If we may be of any further service, please do not hesitate to contact Travis Nichols, Director of Pursuits, at: (760) 477-8633, TNichols@rqconstruction.com.

Sincerely,

A handwritten signature in blue ink, appearing to read 'George H. Rogers, III', written over a horizontal line.

George H. Rogers, III, President and CEO
RQ Construction, LLC

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Response to Provided Questions:**1. Do you have knowledge that a PLA has been used in the local area on projects of this kind? If so, please provide supporting documentation.**

We are not aware of a PLA that has been used in the local area on projects of this kind.

2. Are you aware and/or are there concerns by the prime contractors of skilled labor shortages in the area for those crafts that will be needed to complete the referenced project? If so, please elaborate and provide supporting documentation. Information may reference current apprenticeship statistics and workforce age demographics.

No we are not aware of and do not have concerns of skilled labor shortages in the area. We believe there is an available skilled labor pool in the market which remains competitive in terms of price, productivity, quality, and safety. Although, inclusion of mandated PLA language will likely only serve to complicate the procurement process and reduce available skilled labor by eliminating firms who are open shop.

3. Are you aware of time sensitive issues/scheduling requirements where use of the PLA would affect the rate at which the referenced project would be completed? If so, please elaborate and provide supporting documentation.

Similar to all Federal contracts, this project will have sensitive deadlines to stay on schedule. Inclusion of PLA language presents the opportunity for litigation and protests both in the procurement and construction phases. This is a real risk that can generate time impacts. Also, additional administrative and project management controls and resources are required to properly execute work performance under the project-specific labor agreement that otherwise would not have existed. These additional requirements create time impacts.

Please refer to *Attachment A: AGC PLA Summary Statistics 2022* and *Attachment B: What New PLA Policies Mean for ABC Contractors 2024* as our supporting documentation.

4. Are you aware of any cost impact where the use of PLA will affect the construction cost of the referenced project? If so, please elaborate and provide supporting documentation.

PLAs naturally inhibit competition and complicate both the procurement and execution process; typically resulting in increased costs and additional risk exposure. The mandate of a PLA would exclude hundreds of subcontractors currently working for the Government who have already proven compliance in these areas. Additional administrative and project management controls and resources are required to properly propose and execute work performance to comply with the project-specific agreement that otherwise would not exist if PLA language was not present. Our recent experience with solicitations that contained provisions for both PLA and non-PLA costs indicate a trend for increased bid/proposal costs for the PLA covered bid. Our historical data indicates cost increases under PLA coverage, but the amount depends on the agreed to rates in the PLA and any variance from the Davis-Bacon Wage Determinations, as well as any possibility of union contract requirements restricting productivity or cost efficiency based on crew makeup. Finally, we have observed that some subcontractors won't submit bids if there is a mandated PLA. That has reduced competition in bids and resulted in higher overall bid costs proposed to the Government for the PLA option.

Please refer to *Attachment A: AGC PLA Summary Statistics 2022* and *Attachment B: What New PLA Policies Mean for ABC Contractors 2024* as our supporting documentation.

5. Based on FAR 52.222-33 and alternates and 52.222-34 and alternates do you see any negative and/or positive impacts of submitting the PLA at one phase of the procurement process over another? If so, please explain. Also, provide an estimated and realistic timeframe that your company will be able to finalize a PLA.

It is our suggestion that PLAs not be provided in any phase of the procurement process.

6. Identify specific reasons why or how you believe a PLA would advance the Federal Governments interest in achieving economy and efficiency in federal procurement.

We do not believe that a PLA executed on this contract would be beneficial to the Government.

7. Identify specific reasons why you do not believe a PLA would advance the Federal Governments interest in achieving economy and efficiency in federal procurement.

We are unaware of any published studies establishing that the use of PLAs would minimize risk and contribute to greater economy and efficiencies. In general, the PLA clauses we have reviewed appear to restrict our ability to recruit and obtain a skilled workforce via the subcontractor market. We have observed that some subcontractors won't submit bids if there is a mandated PLA. Inclusion of PLA language presents the opportunity for litigation and protests and reduces available skilled labor by eliminating firms who are open shop. The mandate of a PLA would exclude hundreds of subcontractors currently working for the Government who have already proven compliance in these areas. Without the presence of a PLA, our firm has maintained 26 years of compliance and customer satisfaction performing contracts for the Department of Defense, with current and historic safety statistics and small business utilization exceeding prescribed Government standards.

CERP IRL C-23, C-24 4A PLA RESPONSE

8. Identify any additional information with supporting documentation/statistics that you believe should be considered on the use of a PLA on the referenced project.

We believe there is an available skilled labor pool in this regional market which remains competitive in terms of price, productivity, quality, and safety. It is our belief that the standard competitive processes exclusive of PLA pricing options, incentives or mandates are sufficient to achieve best value for the Government while simultaneously maintaining the interests of the applicable collective bargaining units.

Please refer to *Attachment A: AGC PLA Summary Statistics 2022* and *Attachment B: What New PLA Policies Mean for ABC Contractors 2024* as our supporting documentation.

9. Identify any additional information with supporting documentation/statistics that you believe should be considered on the non-use of a PLA on the referenced project.

We believe there is an available skilled labor pool in this regional market which remains competitive in terms of price, productivity, quality, and safety. It is our belief that the standard competitive processes exclusive of PLA pricing options, incentives, or mandates are sufficient to achieve best value for the Government while simultaneously maintaining the interests of the applicable collective bargaining units.

10. Is your firm a serious interested party in that you intend to submit a proposal for this procurement? Will the use of a PLA impact your ability to bid? If so, please explain?

Yes, we would be interested in submitting a proposal for this procurement if there was no requirement of a PLA.

Yes, a PLA requirement would impact our ability to bid as we believe that a PLA naturally inhibits competition and complicates both the procurement and execution process; typically resulting in increased costs and additional risk exposure. The mandate of a PLA would exclude hundreds of subcontractors currently working for the Government who have already proven compliance in these areas.

Additional feedback requested:

11. If you anticipate submitting a proposal, do you have any concerns with obtaining bonding for the estimated period of performance based on your estimated price proposal? If so, please explain.

No, we do not have any concerns with obtaining bonding for the estimated period of performance.

12. Does your firm have any potential alternatives to address the bonding capability requirements?

Our firm is able to bond as necessary for this project.